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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,850	03/29/2001	Michael P. Bevilacqua	2331/112US	3553

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EXAMINER

ALLEN, MARIANNE P

ART UNIT	PAPER NUMBER
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1631

DATE MAILED: 06/23/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.



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Commissioner for Patents

The reply filed on 5/27/03 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

The amended claims do not conform to the revised format requirements. For example, claims 168-171 and 175-176 indicate their status as previously added when they are currently amended. In addition, some parts of the response indicate that claims 180-184 have been added in some parts whereas other parts refer to new claims 180-189. Pages 14-15 of the response list claims 181-184 and 188-189. It is unclear if the text at the top of page 15 is the end of claim 184 begun on the preceding page or part of a different claim.

Several figures have been corrected in several places. It is unclear if the section describing the changes to the figures is complete as language such as "a number of figures have been amended" and "still others have been amended." Applicant is requested to discuss each figure individually (one by one) with respect to all changes made to that figure to facilitate the examiner's review for new matter. Support for any substantive changes to the figures should be provided.

The prior Office action rejected claims 167-179 under 35 USC 112, 1st paragraph, for new matter. Applicant's response points to basis for some of the limitations in the claims, but does not appear to point to basis for all of the limitations. In particular and as set forth in the prior Office action, the specification does not appear to disclose nor contemplate a method with the recited limitations in the absence of a calibrated profile data set. (See at least claims 167 and 175 which do not recite a calibrated profile data set.) The specification does not appear to disclose nor contemplate a method with the recited efficiencies of amplification in the absence of a calibrated profile data set. In particular, the limitation of "specificity" being substantially similar for all constituents is not seen. (See claim 167.) Applicant is again requested to point to the page and line number in the specification that provides basis for each limitation of the claim as well as the totality of the invention now claimed.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Marianne P. Allen
Primary Examiner
Art Unit: 1631